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RUEHLM/AMEMBASSY COLOMBO PRIORITY 6533  
RUEHKA/AMEMBASSY DHAKA PRIORITY 1796  
RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 4559  
RUEHLO/AMEMBASSY LONDON PRIORITY 5796  
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 2083  
RUEHCI/AMCONSUL KOLKATA PRIORITY 3929  
RUEHGV/USMISSION GENEVA PRIORITY 1945  
RUEKJCS/SECDEF WASHDC PRIORITY  
RUCNDT/USMISSION USUN NEW YORK PRIORITY 3046  
RHEFDIA/DIA WASHDC PRIORITY  
RHMFISS/CDR USPACOM HONOLULU HI PRIORITY  
RUEAIIA/CIA WASHDC PRIORITY  
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C O N F I D E N T I A L SECTION 01 OF 02 KATHMANDU 002135

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TAGS: [PREL](#) [PGOV](#) [PHUM](#) [KDEM](#) [NP](#)

SUBJECT: NEPAL: ALLEGATION OF MASS CREMATION SITE STILL  
UNCONFIRMED

Classified By: Ambassador Nancy J. Powell. Reasons 1.4 (b/d).

#### Summary

1. On December 19, National Human Rights Commission (NHRC) members, United Nations Office of the High Commissioner for Human Rights (OHCHR) staff, and local human rights representatives went to Shivapuri National Park. At least one, and possibly more, of the 49 Maoists allegedly killed by the Nepal Army's Bhairabnath Battalion in 2003 may be buried there. While site security was initially an issue, it appears the police are now patrolling around the clock. Initial forensic analysis indicates human remains are at the site, but it is not yet clear whose remains or how they got there.

#### Alleged Burial Site Visited

2. (U) On December 19, members of the National Human Rights Commission (NHRC), staff from the United Nations Office of the High Commissioner for Human Rights (OHCHR), and representatives from a number of local human rights organizations went to Shivapuri National Park (a forested area immediately north of Kathmandu) alleged to be the burial site of the cremated remains of at least one, and probably more, of the 49 Maoists allegedly killed by the Nepal Army's Bhairabnath Battalion in 2003. An army source, currently out of the country, who claimed to have witnessed the cremation of one of the disappeared provided the location information to the human rights organizations. Pieces of cloth, charred wood, and other paraphernalia were visible at the site.

#### Security of Site an Issue

3. (C) Despite formal requests to the government from the NHRC, OHCHR, and the other human rights organizations to secure the site, the Government of Nepal did not initially direct the police to provide 24-hour security. (Note: Because the site is near an army barracks, and technically on army grounds, the police considered security to be an army responsibility. Subsequent press reports indicated the

police guarded the site only during daylight. On December 24 OHCHR issued a press release pointing out that inadequate security risked compromising the chain of evidence.) Mahendra Pandey, Central Committee member of the Communist Party of Nepal - United Marxist Leninist (UML) and member of parliament told Emboff that that the Parliamentary Human Rights Committee had formed a special monitoring subcommittee to oversee the Shivapuri investigation. After the committee summoned senior government officials to appear to answer questions about Shivapuri, the police were then directed to provide 24-hour security. (Note: Some of the senior officials summoned did not appear, among them the Prime Minister, Home Minister, and Chief of Army Staff; but the Chief of Police and Home Secretary did reportedly meet with the committee.)

#### Investigation Ongoing

¶4. (C) According to Keith Leslie, an advisor to the NHRC, and OHCHR Protection Officers, between December 21 and 23 the NHRC removed nine bags of material from the surface and sent it to a local laboratory for DNA testing. OHCHR was quite critical of the manner in which the remains were collected, but agreed that NHRC was under pressure to move given the lack of security at the site. According to OHCHR, Dr. Wasti, a local forensic expert, reports that preliminary results indicate human remains among the evidence submitted. According to Keith Leslie, until NHRC can confirm that there are human remains at the site, and international forensic assistance is organized, NHRC does not want to dig or otherwise disturb the site. The Nepal Army issued a press release expressing their willingness to cooperate. OHCHR

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expressed disappointment that the police had not taken a more active and aggressive role in investigating the case. They also indicated that they had been aware of the allegations for some time, but were quietly trying to find other witnesses and supporting evidence. However, OHCHR did not present any evidence that they had been successful in their investigation.

#### Comment

¶5. (C) On December 24 when the subject of Shivapuri arose in a conversation with Army Chief of Staff Rookmangud Katawal, he told the Defense Attache (DATT), "Let them dig." on 28 December the Nepal Army Director for Public Relations assured the DATT that the Nepal Army was fully cooperating with the human rights organizations. Until further forensic results are conducted and announced, allegations and rumors are all that is available. Investigation of this case presents a challenge to the NHRC, particularly given that it has only been three months since the Commissioners were sworn in and that there is a lack of forensic expertise in Nepal, but it also provides the NHRC an opportunity to solidify an improved working relationship with OHCHR and to resolve a very high profile human rights case to gain credibility with the public. POWELL